

49 CFR Part 395

HOURS-OF-SERVICE

The purpose of hours of service requirements is to ensure highway safety by reducing highway accidents that result from driver fatigue. Utah has adopted the Federal Motor Carrier Safety Regulations for hours of service of drivers. This sheet discusses the hours of service rules as they apply to INTRASTATE transportation in Utah.

Who is subject to the hours of service rules:

A carrier engaged in commerce within UT if it is using:

1. A vehicle or a vehicle combination with a gross vehicle weight rating over 10,001 lbs.
2. A vehicle able to transport 16 or more passengers, including the driver for hire;
3. Transporting hazardous materials of a type or quantity that requires the vehicle to be placarded.

Definitions:

“On duty time” is all time a driver spends performing work, or being ready to work, until being relieved by the carrier of all responsibility. “On duty” time also includes any compensated work performed by the driver for a non-motor carrier entity.

“Driving time” is all time spent at the driving controls of a commercial motor vehicle in operation.

“Off duty” means the driver has been relieved of all responsibilities and is not ready for work.

“Record of duty status” is the tracking of work hours by means of a graph, grid, log or an automatic on-board recording device.

“Time record” is a time card or other record showing the time the driver reports for duty each day; total hours driver is on duty each day; time driver is released from duty each day; and total time for preceding days if driver is sued for first time or intermittently.

A motor carrier may not permit or require a driver to drive and no driver shall drive after:

10 hours driving time following 8 consecutive hours off-duty ; being on duty 15 hours following 8 consecutive hours off duty; being on duty 60 hours in a 7 day period; being on duty 70 hours in any period of 8 consecutive days if the carrier operates every day of the week.

Time spent by a driver in a compensated non-motor carrier position is considered on duty time and must be included in the 15 hour and 60/70 hour rules. (Example: a part time position in a retail store.)

What record keeping is required:

Motor carriers shall require every driver to record duty status in duplicate for each 24 hour period.

What must be on the log:

A record of duty status must:

1. Be on specified grid or auto matic on-board recorder;
2. Be current to the last change of duty status;
3. Have legible entries in driver’s own handwriting;
4. Show month, day, and year with total miles driven and;
5. Total hours in each duty status for each 24 hours of record;

What does a driver have to have with them?

6. Show vehicle number, or state and license number of each vehicle operated during that 24- hour period;
7. Have carrier(s) name for whome work was performed, and beginning and finishing times for each carrier.

A driver on duty is required to have in possession a copy of duty status for the previous 7 consecutive days.

How long must records of duty status be kept?

Record of duty status and supporting documents must be maintained and retained by the carrier for a period of six months.

Automatic on-board recording devices

Automatic on-board recording devices must provide immediate status verification of time and sequence of duty, status changes, current hours of service and previous 7 day status. Electronic devices must follow the rules under Section 395.15

100 air-mile radius exemption

Drivers are exempt from keeping log books if all of the following requirements are met:

1. Driver operates within 100 air-mile radius (115.08 miles) of the normal work reporting location.
2. Driver returns to the work reporting locations and is relieved of duties within 12 hours.
3. Driver does not exceed 10 hours driving after 8 hours off duty.
4. Eight consecutive hours off duty separate each 12 hours on duty, and
5. Carrier maintains for a period of 6 months, true and accurate time records showing: start and ending times, total hours worked, total time for preceeding seven days if driver is used for the first time or intermittently.

Over hours and/or False logs:

Drivers found driving in excess of maximum hours permitted or failing to keep a proper record of duty status for current day and 7 prior consecutive days shall be put out of service. A driver that is out of service (OOS) shall not be required or permitted to drive and a driver may not drive a motor vehicle until the driver has hours available.

Construction Zone

Utah has not adopted the exemptions for agriculture operations, ground water well drilling, and utility service vehicles. For drivers involved primarily with the transportation of construction materials and equipment to an active construction site, within a 50 air-mile radius of the normal work reporting location; any 7 or 8 day period may end with the beginning of 36 or more consecutive hours off.

For additional assistance contact: Utah Department of Transportation, Motor Carrier Division (801-965-4951) This fact sheet is intended as a resource. It is not intended to explain all requirements of Utah law. Contact our office for additional assistance. 04/00